

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

STATE OF OHIO, : Case No. 1:15-cv-495  
: Plaintiff, : Judge Timothy S. Black  
: vs. : Magistrate Judge Karen L. Litkovitz  
: :  
TERRENCE W. YUREJCHUK, :  
: Defendant. :  
:

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE  
(DOC. 5); (2) REMANDING THIS CASE TO STATE COURT; AND (3)  
TERMINATING THIS CASE FROM THE DOCKET**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on July 30, 2015, submitted a Report and Recommendation (Doc. 5). Thereafter, during the time period for objections, Mr. Yurejchuk filed a pleading entitled “Request of Pro Se Litigant to Withdraw his Request for Removal and to Remand these Cases to the Clinton County Municipal Court” (Doc. 6).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

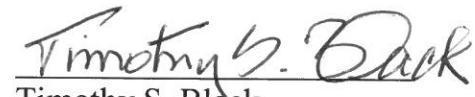
determine that such Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly:

1. The Report and Recommendation (Doc. 5) is **ADOPTED**;
2. This case is **REMANDED** to the State court from which it was removed pursuant to 28 U.S.C. § 1447(c);
3. The Court **CERTIFIES** that any appeal of this Decision and Entry by Mr. Yurejchuk would not be taken in good faith for the reasons stated in the Report and Recommendation. Therefore, any application by him to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915(a)(3) is **DENIED**. As a non-prisoner, however, pursuant to Fed. R. App. P. 24(a)(5), within thirty (30) days after the Clerk serves him with this Decision and Entry, Mr. Yurejchuk is free to apply to proceed *in forma pauperis* in the United States Court of Appeals for the Sixth Circuit. See Callihan v. Schneider, 178 F.3d 800, 803-04 (6<sup>th</sup> Cir. 1999), *overruling in part Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6<sup>th</sup> Cir. 1997).
4. This case is **TERMINATED** on the docket of the Court.

**IT IS SO ORDERED.**

Date: 9/25/15

  
Timothy S. Black  
United States District Judge